



Dennis J. Duffin
Director

40-10

The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

May 12, 1986

AO-86-10

Mr. Bruce Carmichael
178 Linwood Avenue
Newtonville, MA 02160

Dear Mr. Carmichael:

This is in response to your recent request for an advisory opinion concerning the application of M.G.L. c. 55 to activities of the political committee organized on behalf of your candidacy for public office.

You state that you are employed by the Commonwealth of Massachusetts. You are a candidate for the House of Representatives. A political committee has been organized on your behalf which intends to do a mailing for the solicitation of political contributions. You wish to know whether your political committee can use letterhead displaying your name and mention your name in the context of the solicitation letter.

Section 13 of Chapter 55 states, "No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee or for any political purpose whatever." Because you are a person employed for compensation by the Commonwealth, you are prohibited from soliciting or receiving contributions for any political purpose, including your own candidacy for public office. However, the campaign finance law permits you to have a political committee which may solicit and receive funds on your behalf.

In my opinion, the use of your name in the letterhead of a solicitation letter, appearing as "Committee to Elect Bruce Carmichael," or in a similar fashion, is not a solicitation by you but by your political committee. The use of your name in the letterhead in that fashion is not prohibited. Furthermore, the Committee would not be prohibited from mentioning your name in the letter, provided it is not used in any way which would suggest a solicitation by you.


While a political committee organized on behalf of a public employee candidate may solicit and receive funds, it may not do so "from any person

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or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility."

In the course of soliciting contributions, your political committee is subject to this limitation.

Very truly yours,


Dennis J. Duffin
Director

DJD/rep